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10/006,004	12/03/2001	Michael Wayne Brown	AUS920010946US1	3008

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EXAMINER	
UBILES, MARIE C	
ART UNIT	**PAPER NUMBER**
2642	8

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,004	BROWN ET AL.	
	Examiner	Art Unit	
	Marie C. Ubiles	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4,5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because: a grammatical error on line 11, "for a **the** caller's". Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4, 8, 11, 15, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240).

As for claim 1, Walker et al. discloses a call handling process which transfer calls to an interactive voice response unit 155 (IVRU) when no attendants are available and

place a call in a holding queue (i.e. a method for managing voice browsing while a call is on hold)(*See Summary, Col. 2, lines 45-52*); a caller at a station set 105 places a call to the call center 100 (i.e. receiving a call of a particular caller at an on hold system)(See Description, Col. 4, lines 30-34); connecting the caller to an IVRU 155 arranged to prompt a caller for specific information by asking questions based on a set of modules in a transcription script, collect that information by detecting and interpreting detecting DTMF signals or by recognizing speech input from the caller (*See Detailed Description, Col. 4, lines 60-67*) . While not directly discussed by Walker et al., it is well known in the art that in ACD systems that responsive to the selection of a user, he or she may be prompted to select a help subject from among various menus and browse help information from the specified help subject. For example, a caller performing telephone banking may press '1' to prompt a menu describing checking account transactions (e.g. checks cashed, account balance, move money between accounts) and press '2' for savings account transactions (e.g. balance, move money between accounts)(i.e. responsive to a selection of a help subject by said particular caller, prompting said caller with a menu of browsable help information specified for said help subject).

Walker et al. further discloses that the caller can be presented with a list or menu of available premium web sites by the IVRU155 and if the caller accesses the call center 100 from a conventional telephone (i.e. telephony device), the textual portions of a premium web site may be converted to speech for presentation to the caller (i.e. responsive to a selection from among said menu of browsable help information,

translating a web script for said selection from among said menu of browsable help information into audio output to said particular caller)(*See Detailed Description, Col.6, lines 13-32*).

As for claim 4, from the teachings of Walker et al. it can be seen that the that information entered by the caller in response to the questions asked by the IVRU 155, is organized, collected and forwarded to the PBX/ACD 150. The collected data (e.g. caller name, identification number, specific information entered by the caller in response to the sequence of posed questions, and a menu of entertainment options and caller selections), the collected information is forwarded by the PBX/ACD 150 to an attendant console, the caller uses the Internet network 145 to browse the web sites; thus it would have been obvious to one of ordinary skill to forward the Web information collected during the caller audio Web browsing, via means of the Internet network, to the attendant connected to the PBX/ACD (i.e. transferring a request to a help server via a network for said web script associated with said selection from among said menu of browsable help information)(*See Detailed Description, Col. 4, lines 65-67; Col. 5, lines 21-38*).

Claims 8,15 and 20 are rejected for the same reasons as claim 1.

Claims 11 and 17 are rejected for the same reasons as claim 4.

4. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) as applied to claims 2,9 and 16 above, and further in view of Walker et al. (US 5,978,467).

As for claim 2, it can be seen that Walker et al. ('240) lacks the step of placing the call in a particular hold queue from among a plurality of hold queues, wherein said particular hold queue is related to said help subject.

Walker et al. ('467) teaches "Initially, a caller places a call to a customer service provider (box 100). The incoming caller's telephone number is detected by an automatic number identification (ANI) facility. In response to voice prompts from IVRU 14, and in conjunction with control commands from ACD 12, PBX 10 then inputs information regarding the call to ACD 12 (box 102). One such piece of information may be the subject matter of the call. For instance, IVRU 14 may provide a series of subjects to the caller, and ask the caller to respond by depressing a specified key to identify a particular subject (e.g. "press 1 for printer problems, press 2 for modem problems"). Once the call information has been entered by ACD 12 into call database 36, the system determines whether an appropriate agent is available (decision box 104). If so, the call is routed to the agent's phone and the information associated with the call is transmitted to the agent's terminal (box 106). If no agent is available, the call is placed in the holding queue (box 108) [...] If the caller declines to hear more information, the call remains on hold in the holding queue (box 112) to await availability of an appropriate agent (decision box 118)." (*See Detailed Description, Col. 6, line 48-Col 6, line 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker et al. ('240) system by adding the step of once the call information based on the caller IVRU responses has been entered by ACD, the system determines whether an appropriate agent is available and placing the caller into an appropriate queue until an agent becomes available (i.e. placing said call in a particular hold queue among a plurality of hold queues, where said particular hold queue is related to said help subject); therefore the caller will experiment an increased level of customer satisfaction by having a skilled attendant answering his or her call.

Claims 9 and 16 are rejected for the same reasons as claim 2.

5. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) as applied to claims 1, 4, 8, 11, 15, 17 and 20 above, and further in view of Rupe et al (US 2003/0031309).

As for claim 3, Walker et al. discloses the system as claimed except for the step of prompting said particular caller when said call is next in line to be answered by a representative; responsive to said particular caller indicating a readiness to move to said representative, transferring said call to a PBX system for distribution to said representative; and responsive to said particular caller not indicating a readiness to move to said representative, removing said call from a hold queue.

Rupe et al. teaches "If the caller has chosen to be placed in a queue, a priority is generated and assigned to the caller. The call is placed in the queue until a detected event occurs. Once a detected event occurs depending on the priority, the call is

routed to the selected destination. While in a queue, the caller may be simultaneously provided access to various automated interactive functions through which additional information may be accessed and retrieved. The caller may be further provided the option of being interrupted while employing the interactive functions such that their call may be routed to the selected destination upon occurrence of the detected event. Another option may be to complete all interactive functions before any routing of the call may occur. [...] When the caller chooses to be interrupted when a call attendant becomes available and once the interactive application is initiated, the VRU will then continually monitor the availability status of a call attendant, and once one becomes available, interrupt the interactive session and provide the option of being transferred to the available attendant or to continue to browse. If the election is made to speak with the available attendant, the connection is then established. " (*See Detailed Description, P. 0013, lines 1-14 and P.0030, lines 1-9*).

Rupe et al. further teaches " While in the VRU, a caller has the option to initiate various interactive functions which are hosted on the VRU. This may include accessing various audio menus which a caller may access information while in the queue. If this information is located before a transfer is initiated to a call attendant, a caller may then hang up and is effectively removed from the queue. " (*See Detailed Description, P. 0024, lines 9-15*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Walker's et al. system by adding the steps of caller may be provided the option of being interrupted while employing the interactive functions

such that their call may be routed to the selected destination upon occurrence of the detected event (i.e. prompting said when said call is next in line to be answered by a representative), when the caller chooses to be interrupted, the VRU continually monitor the availability status of a call attendant, and once one becomes available, interrupt the interactive session and provide the option of being transferred to the available attendant (i.e. responsive to said particular caller indicating a readiness to move to said representative, transferring said call to a PBX system for distribution to said representative), and the caller accessing information while in the queue, if browsed information is located before a transfer is initiated to a call attendant, a caller may then hang up and is effectively removed from the queue (i.e. responsive to said particular caller not indicating a readiness to move to said representative, removing said call from a hold queue); and thus in this manner the caller may be provided addition information or interaction while waiting for an appropriate attendant to become available and the system may be configured such that a caller will not lose his or her place in the call queue while browsing.

Claim 10 is rejected for the same reasons as claim 3.

6. Claims 5-7, 12-14, 18-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) as applied to claims 1, 4, 8, 11, 15, 17 and 20 above, and further in view of Saylor et al. (US 6,263,051).

As for claims 5-7, it can be seen that Walker et al. lacks the steps of translating a voice XML script comprising selected help information into audio output to said

particular caller; transcoding said web script into voice XML script; and translating said voice XML script into audio output to said particular caller; and wherein said script is received from a help server into a first format controllable by a voice browser, wherein said help server is enabled to transfer said web script in a second format controllable by a web browser at a computer system.

Saylor et al. teaches "...a voice service is constructed using service wizard. A voice service is constructed using several basic building blocks, or elements, to organize the content and structure of a call. According to one embodiment, the building blocks of a voice service comprise elements of a markup language. According to one particular embodiment, elements of a novel markup language based on XML (TML) are used to construct voice services. Before explaining how a telecast is constructed, it will be helpful to define these elements. The DIALOG element is used to define a unit of interaction between the user and the system and it typically contains one or more of the other elements. A DIALOG cannot be contained in another element. The SPEECH element is used to define text to be read to a user." (*See Detailed Description, Col. 10, lines 31-45*).

Saylor et al. further teaches "Systems do exist that enable distribution of information by voice using a telephone. These systems however, require a company to maintain expensive telephony hardware and software and telephone lines. The up front costs for this equipment can be more expensive than some companies may want to incur." (*See Background of the Invention, Col. 1, lines 32-37*).

As taught by Saylor et al. it can be seen that XML language takes a Web pages (See Fig. 4, e-commerce applications) and transform these pages into text (i.e. web scripts) that can be read (i.e. audio output) to a user (i.e. caller). A system based on XML mark up language may be controlled by the interaction of a caller with the voice menu for web browsing (i.e. a first format controllable by a voice browser) or by the interaction using a user utilizing a web browser at a PC (i.e. a second format controllable by a web browser at a computer system).

It would have been obvious to one of ordinary skill at the time at the time the invention was made to modify Walker's et al. system with the teaching of Saylor et al. and in this manner provide a system that will not require a company to maintain expensive telephony hardware and software and telephone lines.

From the teachings of Walker et al. it can be seen that the that information entered by the caller in response to the questions asked by the IVRU 155, is organized, collected and forwarded to the PBX/ACD 150. The collected data (e.g. caller name, identification number, specific information entered by the caller in response to the sequence of posed questions, and a menu of entertainment options and caller selections), the collected information is forwarded by the PBX/ACD 150 to an attendant console, the caller uses the Internet network 145 to browse the web sites; thus it would have been obvious to one of ordinary skill to forward the Web information collected during the caller audio Web browsing, via means of the Internet network, to the attendant connected to the PBX/ACD (i.e. wherein said script is received from a help server into a first format controllable by a voice browser, wherein said help server is

enabled to transfer said web script in a second format controllable by a web browser at a computer system.)(*See Detailed Description, Col. 4, lines 65-67; Col. 5, lines 21-38*).

Claims 12 and 18 are rejected for the same reasons as claim 5.

Claims 13, 19 and 21 are rejected for the same reasons as claim 6.

Claim 14 is rejected for the same reasons as claim 7.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weissman et al. (US 6,711,249) teaches a common gateway to call control systems.

Zirngibl et al. (US 6,606,596) teaches a system and method for the creation and automatic deployment of personalized, dynamic and interactive voice services.

Sonesh et al. (US 6,046,762) teaches a multimedia telecommunication automatic call distribution system.

Wesemann et al. (US 6,349,132) teaches a voice interface for electronic documents.

Langseth et al. (US 6,658,093) teaches a system and method for real-time, personalized, dynamic, interactive voice services.

Cohen et al. (US 2002/0164000) teaches a system and method of creating and browsing a voice web.

Haritsa et al. (US 2002/0046030) teaches a method and apparatus for improved call handling and service based on caller's demographic information.

Busey et al. (US 2004/0057569) teaches an automatic call distribution system using computer network-based communication.

Anderson et al (US 2003/0053615) teaches methods and apparatus for automated monitoring and action taken based on decision support mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
April 23, 2004

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